

# City of Downey

FUTURE UNLIMITED



## CITY COUNCIL

### MAYOR

FERNANDO VASQUEZ

### MAYOR PRO TEM

LUIS H. MARQUEZ

### COUNCIL MEMBERS

ROGER C. BROSSMER  
ALEX SAAB  
DN. MARIO A. GUERRA

### CITY MANAGER

GILBERT A. LIVAS

### CITY CLERK

ADRIA M. JIMENEZ, CMC

### CITY ATTORNEY

YVETTE M. ABICH GARCIA

January 30, 2014

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

38 February 18, 2014

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Sachi A. Hamai, Executive Officer  
Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 383  
Los Angeles, CA 90012

**SUBJECT: JUNE 3, 2014 – SPECIAL MUNICIPAL ELECTION**

Dear Ms. Hamai:

The City Council of the City of Downey has adopted the required Resolutions pertaining to the calling of a Special Municipal Election to be consolidated with the Statewide Primary Election on June 3, 2014, placing a Charter Amendment on the ballot. Enclosed are two certified copies of each Resolution.

Resolution No.  
12-7422

Calling for the Holding of a Municipal Election on Tuesday, June 3, 2014, with the Statewide Primary Election for the submission of a Measure Relating to Fire and Police Protection Services.

12-7469

Requesting the Board of Supervisors of the County of Los Angeles to Consolidate a Special Municipal Election to be held on Tuesday, June 3, 2014, with the Statewide Primary Election to be held on that date pursuant to Section 10409 of the Elections Code to Consider the Adoption of a Charter Amendment and submitting the Proposed Text, Ballot Label and City Attorney's Impartial Analysis for such Proposed Charter Amendment.

Please schedule this request on the **next available Board of Supervisor's Agenda**. Please provide me with a copy of the Board Agenda when this matter is scheduled.

Should any further action be required by us, or should you require additional information, please do not hesitate to contact me at (562) 904-7280.

Sincerely,

*Adria M. Jimenez, CMC*

Adria M. Jimenez, CMC  
City Clerk

Enclosures

**RESOLUTION NO. 13-7422**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY, CALIFORNIA,  
CALLING FOR THE HOLDING OF A MUNICIPAL ELECTION ON TUESDAY, JUNE 3,  
2014, WITH THE STATEWIDE PRIMARY ELECTION FOR THE SUBMISSION OF A  
MEASURE RELATING TO FIRE AND POLICE PROTECTION SERVICES**

**WHEREAS**, pursuant to authority provided by Article XI of the Constitution and Title 4, Division 2, Chapter 3, of the Government Code and Division 9, Chapter 3, Article 3 (commencing at Section 9255) of the Election Code of the State of California, a petition has been filed with the legislative body of the City of Downey signed by more than fifteen percent of the registered voters of the City according to the County Election Department's last official report of registration to the Secretary of State to submit a measure to the voters; and,

**WHEREAS**, the City Council is authorized and directed by statute to submit the measure to the voters.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES  
HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to Article XI of the Constitution and Title 4, Division 2, Chapter 3 of the Government Code and Division 9, Chapter 3, Article 3 (commencing at Section 9255) of the Election Code of the State of California, there is called and ordered to be held in the City of Downey, California, on Tuesday, June 3, 2014, a Municipal Election for the purpose of submitting to the following measure:

<b>CHARTER AMENDMENT NO. 14</b> A Proposed Charter Amendment to Permit the City to Contract Out Fire and Police Protection Services Without Voter Approval.	<b>YES</b>
	<b>NO</b>

**SECTION 2.** That the text of the measure submitted to the voters is attached as Exhibit A.

**SECTION 3.** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 4.** That the City Clerk or her designee is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 5.** That the polls shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

The foregoing instrument is a full, true and correct copy  
of the original on file in this office

ATTEST:

  
\_\_\_\_\_  
City Clerk of the City of Downey



**SECTION 6.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 7.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 8.** That the City Clerk shall certify to the passage and adoption of this resolution.

**SECTION 9.** The City Clerk shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this 11<sup>th</sup> day of June, 2013.

  
MARIO A. GUERRA, Mayor

ATTEST:

  
ADRIA M. JIMENEZ, CMC  
City Clerk

**I HEREBY CERTIFY** that the foregoing Resolution was adopted by the City Council of the City of Downey at a regular meeting thereof held on the 11<sup>th</sup> day of June 2013, by the following vote, to wit:

AYES:	Council Members:	Marquez, Saab, Vasquez, Guerra
NOES:	Council Members:	None
ABSTAIN:	Council Members:	Brossmer
ABSENT:	Council Members:	None

  
ADRIA M. JIMENEZ, CMC  
City Clerk

**INITIATIVE MEASURE TITLE AND SUMMARY  
PREPARED BY CITY ATTORNEY  
PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 9203**

Title:

**A Proposed Charter Amendment to Permit the City to Contract Out Fire and Police Protection Services Without Voter Approval**

Summary:

On May 5, 1998, the voters of the City of Downey approved an amendment to Section 702 of the Downey City Charter ("Section 702") which required the City to staff its fire and police departments with its own employees. The amendment further required that before the City Council could consider a contract or alternative method of providing fire and police protection services, other than through its own employees, such contract or method required a two-thirds advisory vote approval by the Downey voters at a general municipal election.

This proposed Charter Amendment would amend Section 702 as follows:

- The City will have the obligation to provide fire and police protection services, but there will be no requirement that the City provide these services with its own employees.
- The Charter Amendment allows the City Council to contract with any local agency for the furnishing of fire and/or police protection services.
- The City Council will no longer be required to obtain a two-thirds advisory vote approval from Downey voters prior to entering into a contract with another local agency to provide fire and/or police protection services.

A majority of the voters must approve the proposed Charter Amendment for it to be adopted.



RESOLUTION NO. 14-7469

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY, CALIFORNIA REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 3, 2014, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE TO CONSIDER THE ADOPTION OF A CHARTER AMENDMENT AND SUBMITTING THE PROPOSED TEXT, BALLOT LABEL AND CITY ATTORNEY'S IMPARTIAL ANALYSIS FOR SUCH PROPOSED CHARTER AMENDMENT

**WHEREAS**, the City Council of the City of Downey received an initiative petition containing the requisite number of signatures to place on the ballot an amendment to Article VII, Section 702 of the Downey City Charter ("Charter Amendment") relating to permitting the City to contract out fire and police protection services without voter approval; and,

**WHEREAS**, on June 11, 2013, the City Council determined to place the proposed Charter Amendment on the June 3, 2014 election ballot;

**WHEREAS**, it is desirable that the special municipal election to consider the adoption of the proposed Charter Amendment be consolidated with the Statewide Primary Election to be held on the same date and that within the city precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the Statewide Primary Election and that the election be held in all respects as if there were only one election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

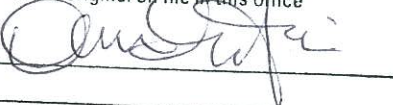
**SECTION 1.** That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the (Statewide Primary) Election on Tuesday, June 3, 2014, for the purpose of submitting to the voters a proposed Charter Amendment attached hereto as Exhibit A as to which the ballot label pursuant to Elections Code section 9051 (b) shall read as follows:

<b><u>CHARTER AMENDMENT NO. 14</u></b>  Shall section 702 of the Charter be amended to remove the requirement that the City shall provide for the staffing of the police and fire departments through its own staff and to remove the requirement that a two-thirds advisory vote is necessary before the City Council may consider alternative methods or agreements for providing police and fire services?	YES
	NO

**SECTION 2.** That pursuant to Section 9280 of the Elections Code, the City Attorney's Impartial Analysis for such Charter Amendment shall be as set forth in Exhibit B.

The foregoing instrument is a full, true and correct copy  
of the original on file in this office

ATTEST:



City Clerk of the City of Downey

**SECTION 3.** That the Registrar of Voters of the County of Los Angeles is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used; and, the election will be held and conducted in a manner prescribed in Election Code Section 10419.

**SECTION 4.** That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

**SECTION 5.** That the City of Downey recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

**SECTION 6.** That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Registrar of Voters of the County of Los Angeles.

**SECTION 7.** That the City Clerk shall certify to the passage and adoption of this Resolution.

**APPROVED AND ADOPTED** this 28<sup>th</sup> day of January, 2014.

  
FERNANDO VASQUEZ  
Mayor

**ATTEST:**

  
ADRIA M. JIMENEZ, CMC  
City Clerk

**I HEREBY CERTIFY** that the foregoing Resolution was adopted by the City Council of the City of Downey at a regular meeting thereof held on the 28<sup>th</sup> day of January 2014, by the following vote, to wit:

AYES:	Council Members:	Brossmer, Guerra, Saab, Marquez, Mayor Vasquez
NOES:	Council Members:	None
ABSTAIN:	Council Members:	None
ABSENT:	Council Members:	None

  
ADRIA M. JIMENEZ, CMC  
City Clerk



**INITIATIVE MEASURE TITLE AND SUMMARY  
PREPARED BY CITY ATTORNEY  
PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 9203**

Title:

**A Proposed Charter Amendment to Permit the City to Contract Out Fire and Police Protection Services Without Voter Approval**

Summary:

On May 5, 1998, the voters of the City of Downey approved an amendment to Section 702 of the Downey City Charter ("Section 702") which required the City to staff its fire and police departments with its own employees. The amendment further required that before the City Council could consider a contract or alternative method of providing fire and police protection services, other than through its own employees, such contract or method required a two-thirds advisory vote approval by the Downey voters at a general municipal election.

This proposed Charter Amendment would amend Section 702 as follows:

- The City will have the obligation to provide fire and police protection services, but there will be no requirement that the City provide these services with its own employees.
- The Charter Amendment allows the City Council to contract with any local agency for the furnishing of fire and/or police protection services.
- The City Council will no longer be required to obtain a two-thirds advisory vote approval from Downey voters prior to entering into a contract with another local agency to provide fire and/or police protection services.

A majority of the voters must approve the proposed Charter Amendment for it to be adopted.

Dated: October 3, 2012

  
\_\_\_\_\_  
Yvette M. Abich Garcia, City Attorney

**CITY ATTORNEY'S IMPARTIAL ANALYSIS  
OF MEASURE \_\_\_\_**

Measure \_\_\_\_ is a proposed amendment to Article VII section 702 of the Downey City Charter which would have the following effects:

1. It would remove current language in section 702 of the City Charter which requires that the City shall provide for the staffing of the police and fire departments through its own staff, unless it submits for an advisory vote an alternative method or agreement and obtains a two-thirds approval by the City's voters.
2. It would insert "police and fire" into a list of functions and services for which the "City shall provide as follows: "finance, public works, water, building & safety, police, fire, city planning and library."
3. It further provides that the City Council may provide for contracts for the furnishing of fire services including fire protective services with a neighboring city, county, fire protection district, joint powers authority that provides fire protection services, police protection district, federal government or any federal department or agency as provided by Government Code section 55632.
4. If the amendment is adopted, under the amended Charter, the City Council would have the discretion, without prior voter approval, to decide how to furnish fire and police services.

A "Yes" vote means the voter approves the proposed changes that this Charter Amendment would make. A "No" vote means the voter does not approve the proposed Charter Amendment, and no changes will be made to the City's Charter. This Charter Amendment will become effective if a majority of those voting on this Measure vote "Yes."

This proposed amendment to Article VII, section 702 was placed on the June 3, 2014 ballot by petition signed by the requisite number of voters.

Yvette M. Abich Garcia  
Downey City Attorney

*The above statement is an impartial analysis of Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the Downey City Clerk's Office at (562) 904-7280 and a copy will be mailed at no cost to you.*